IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8844 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of aer No. 1-5 : NO

JJJJ

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Mr. Manish Dagli AGP for Respondent No. 1,4

MR AR THACKER for Respondent No. 2-3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 18/12/2002

ORAL JUDGEMENT

Heard learned Senior Advocate Mr. P.M.Thakkar for M/s. Thakkar Associates for the petitioner; Mr. J.R.Nanavaty, learned advocate for respondents no. 2 and 3 and Mr. Manish Dagli, learned AGP for respondents No. 1 and 4. This petition was admitted by this court by issuing rule thereon on 23.10.2002 by making it returnable on 28th November, 2002.

2. By way of this petition, the petitioner has challenged the order dated 16th August, 2002 passed by the Special Secretary (Appeals) Revenue Department. Today, when the matter was taken up for final hearing, Shri Sidubha Becharji Jadeja who is respondent No.2 has remained personally present before this Court. He was identified by Mr. J.R.Nanavati,learned advocate for respondents No. 2 and 3. Shri Sidubha Becharji Jadeja who is respondent No.2 has made a statement before this Court that he is the power of attorney holder of respondent No. 3 Shri Mahendrasinh Sidubha Jadeja, his son. A revision application was filed by respondents no.2 and 3 before the Special Secretary (Appeals) Revenue Department challenging the order passed by the Collector, Rajkot dated 18.4.2002 granting NA Permission wherein the Special Secretary (Appeals) Revenue Department, Gujarat State, Ahmedabad has, by order dated 16.8.2002, allowed the said revision application by setting aside the order dated 18.4.2002 passed by the Collector, Rajkot.

Today, respondent No.2 Shri Sidubha Becharji Jadeja who is present before this Court has made a statement before this Court for himself and also for and on behalf of respondent No.3 Mahendrasinh Sidubha Jadeja that they have no objection if the order dated 16th August,2002 passed by the Special Secretary (Appeals) Revenue Department is set aside by this Court. It was, thus, stated by him that they are giving consent for setting aside the said orders passed by the Special

Secretary (Appeals) Revenue Department dated 16.8.2002 which were passed by the said authority in a private revision. Therefore, considering these entire facts as well as the statement made by respondent No.2 Sidubha Becharji Jadeja before this Court for himself and also on behalf of respondent No.3 Mahendrasinh Sidubha Jadeja, the order dated 16.8.2002 passed by the Special Secretary (Appeals) Revenue Department setting aside the order of the Collector, Rajkot dated 18.4.2002 is required to be quashed and set aside.

In the result, this petition is allowed. The order dated 16.8.2002 passed by the Special Secretary (Appeals) Revenue Department setting aside the order of the Collector, Rajkot dated 18.4.2002 is hereby quashed and set aside. Order dated 18.4.2002 passed by the Collector, Rajkot shall, therefore, come into operation and the rights of the respective parties will be governed by the said order. Parties are, therefore, directed to abide by the order dated 18.4.2002 passed by the Collector, Rajkot. Rule is made absolute in terms indicated hereinabove with no order as to costs.

Dt. 18.12.2002. (H.K. Rathod,J.)
Vyas